

REMARKS

Presently, there are no outstanding Office Actions in this case. Therefore, there is no period for response set to expire, and no extension of time fees are due.

This amendment is the first appearance in this case by Applicant's new counsel. Therefore, a Revocation of Prior Powers and Appointment of New Attorney of Record and a Certificate Under 37 C.F.R. § 3.73(b) is attached hereto.

Applicant understands that agreement has been reached between the Examiner and Applicant's prior counsel that the claims, as amended July 21, 2004, patentably distinguish over the prior art of record. The purpose of this Second Supplemental Amendment is to correct obvious errors in the specification and claims, and to add new claims that do not include means-plus-function limitations.

Interview Summary

An interview was held on July 21, 2004 between Applicant's prior counsel and the Examiner. Summaries of the interview have been provided for the record by Applicant's prior counsel (in Supplemental Amendment filed July 21, 2004) and by the Examiner (Interview Summary mailed July 27, 2004).

During the interview, agreement was reached that the proposed claim amendments overcome the outstanding rejections, subject to a further search by the Examiner. The proposed amendments were incorporated in the Supplemental Amendment filed July 21, 2004. As pointed out in the Examiner's interview summary, the main difference between the prior art and Applicant's claimed invention is the automatic disconnection of the ports by the relay responsive to the sensor.

Title

The title is amended as shown in the attached substitute specification to delete the term "failsafe." Because the term "failsafe" has multiple definitions, the term is removed to eliminate any ambiguity from the specification. Indeed, a "failsafe" feature is not intended to be an essential element or a limitation of Applicant's invention.

Drawings

Figs. 5 and 6 are amended as shown in the attached replacement sheets. In Fig. 5, the label “Voltage Sensor” in item 48 is changed to “Power Sensor,” for reasons that will be discussed below in greater detail.

No new matter is entered.

Specification

Pursuant to 37 C.F.R. § 1.125(b), a substitute specification is submitted herewith, because of the large number of minor corrections to the specification. According to 37 C.F.R. § 1.125(c), the substitute specification is provided in both a marked-up version and a clean version. The marked up version shows the changes made from the immediately prior version (the original specification as previously amended) of the specification. Pursuant to 37 C.F.R. § 1.125(b), the claims are excluded from the substitute specification. No new matter is added.

The main changes to the specification are the elimination of the term “failsafe” and the substitution of the term “power” for the term “voltage.”

As indicated above, the term “failsafe” is removed because it introduces ambiguity. In particular, according to one accepted definition, failsafe is a characteristic of a device that ensures that the device is in a safe condition upon failure. According to another accepted definition, the term failsafe indicates a secondary system that provides backup in the event of the failure of a primary system. Because being “failsafe” is not considered to be an essential element of Applicant’s invention, the term is removed to eliminate any perceived ambiguity.

The use of the term voltage, with respect to sensor 48, throughout the specification is potentially confusing. In particular, electrical power is the product of the voltage and the current. Thus, power sensors typically include a voltage sensor, a current sensor, or both. However, in Fig. 5, voltage sensor 48 is shown coupled directly to AC power supply 46, which may give the incorrect impression that voltage sensor 48 is monitoring the voltage provided by AC power supply 46 (e.g., a wall outlet). Of course, the amount of power drawn by the monitor should not affect the voltage provided by AC power supply 46, unless the monitor tries to draw more current than the supply 46 can provide.

Changing the term “voltage” to “power” clarifies the specification, because the level of power drawn by the computer/monitor is what triggers the relay, regardless of whether the power consumption is determined by measuring voltage or current. Further, it is clear from Applicant’s original disclosure that this is the case. Note for example, in original Fig. 5, “AC Power Sensor 48.” Also, note Applicant’s original disclosure at Page 19, Lines 8-10, which provides: “In operation, the personal computer failsafe protection device 10 is connected to a monitor of a computer system or to a one piece computer system 56 **for measuring the amount of power being drawn thereby**” (emphasis added). Further, at Page 16, Lines 18-19, Applicant’s original disclosure provides: “A block diagram of the personal computer failsafe protection device 10 used **to sense the power usage of a monitor** is shown in Figure 5” (emphasis added). Thus, there is clear support in Applicant’s original disclosure for the clarifying amendments made herein.

Abstract

The abstract is amended as shown in the attached substitute specification. For at least the reasons set forth above, no new matter is added.

Claims

Claims 1-9, 11-13, and 15 are pending in the above-identified application. Agreement has been reached that claims 1-9, 11-13, and 15 distinguish over the prior art of record. Claims 1-9, 11-13, and 15 are amended and Claims 16-19 are added. Claims 10 and 14 were previously canceled. Allowance of all remaining claims is respectfully requested.

For the reasons set forth above with respect to the amendments to the specification, all pending claims are amended herein for clarity to remove the term “failsafe” and/or to change the term “voltage” to power. The amendments are not of such substance as should affect the agreement reached between the Examiner and Applicant’s previous counsel with respect to the distinction of the claims over the prior art of record. No new matter is added.

New Claim 16 is similar (but not identical) to Claim 1, except that new Claim 16 does not include a means-plus-function limitation. Therefore, new Claim 16 distinguishes over the prior art of record for at least the reasons set forth in the Examiner’s interview summary. Claims 17-19 depend from Claim 16 and are, therefore, allowable for at least the same reasons as Claim 19.

For the foregoing reasons, Applicants believe Claims 1-9, 11-13, and 15-19 are in condition for allowance. Should the Examiner undertake any action other than allowance of all pending claims, or if the Examiner has any questions or suggestions for expediting the prosecution of this application, the Examiner is requested to contact Applicant's undersigned attorney at (269) 279-8820.

Respectfully submitted,

Date: 10/1/04

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CERTIFICATE OF MAILING (37 CFR 1.8(A))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 10/1/04

Larry E. Henneman, Jr.
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IN THE DRAWINGS

Please amend Fig.5 and Fig. 6 by substituting the attached replacement sheets 5 of 6 (Fig. 5) and 6 of 6 (Fig. 6) for the originally filed sheets 5 and 6 of the drawings.

Annotated Marked-Up Drawings

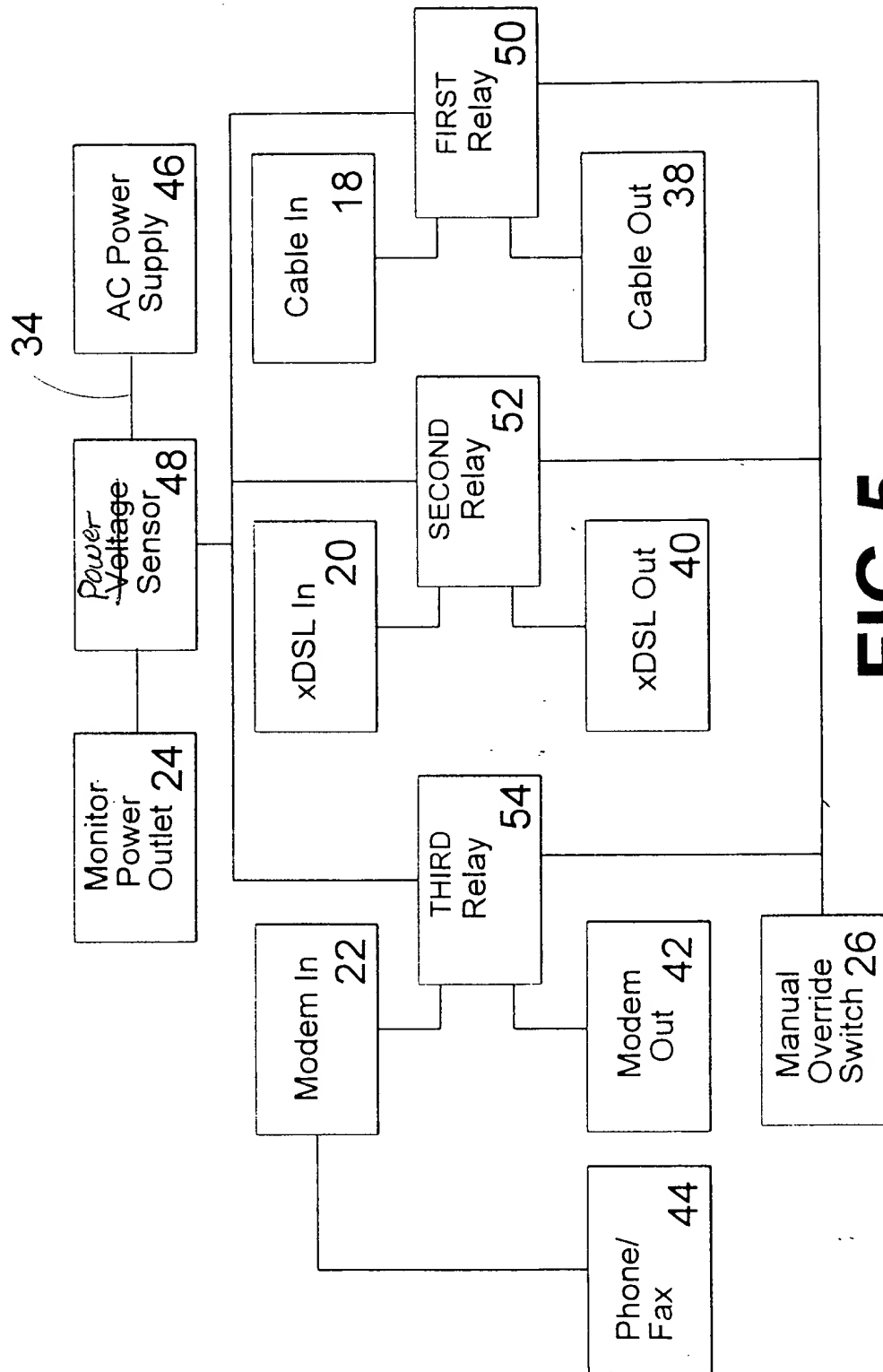


FIG 5

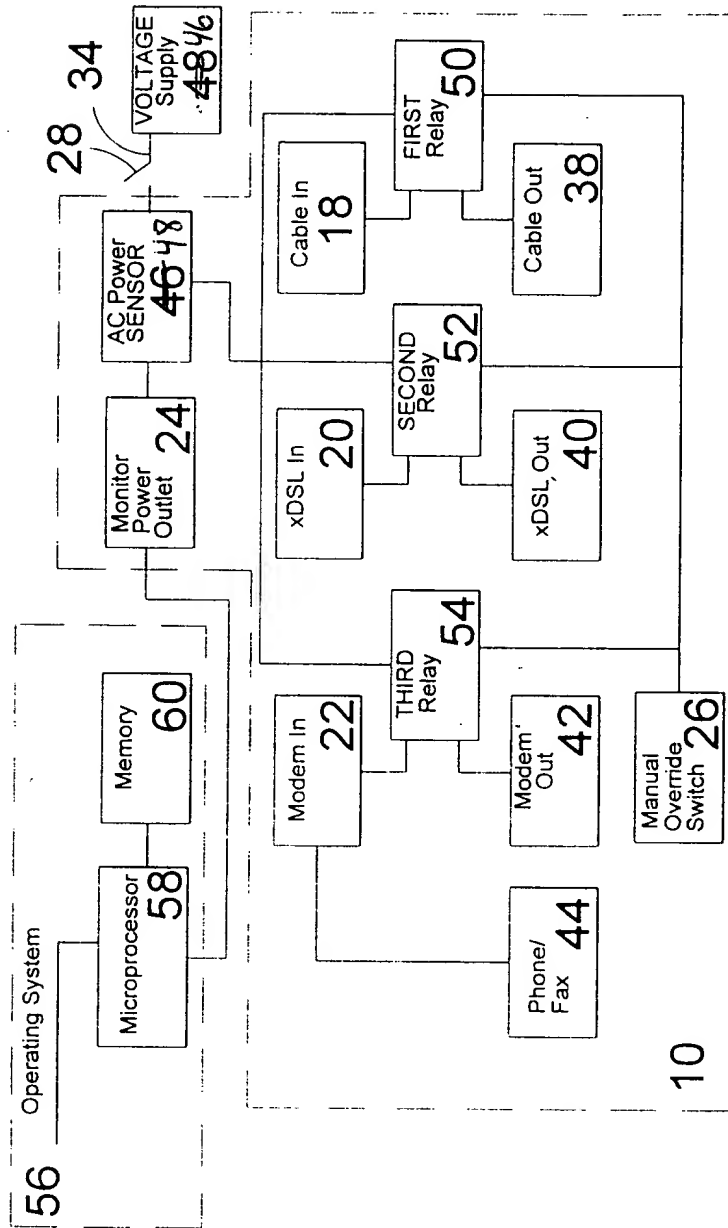


FIG 6